

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 89 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

SARLABEN SHETH

Versus

STATE OF GUJARAT

Appearance:

MR KJ KAKKAD for Petitioner
MR BY MANKAD, APP for Respondents No.1,2 & 5.
MR MJ BUDDHBHATTI for Respondent No.3 & 4.

CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 16/11/2000

ORAL JUDGEMENT

When this Criminal Revision Application was taken up for final hearing, the learned advocates for both the parties jointly submitted that this application be disposed of by setting aside an impugned order which is

challenged in this Criminal Revision Application and also by remanding the Chapter Case No.39/91 to the learned Executive Magistrate, Rajkot City, Rajkot, by giving suitable directions to pass an order afresh, after affording full opportunity of being heard to all the concerned parties including this present Revision-Petitioner by allowing them to lead their evidence if any. They also jointly submitted that this Court may not give reasons in its judgment while passing the final order.

2. In view of joint request made by both the parties, an impugned order dated 27th February, 1992, passed in Chapter Case No.39 of 1991, by Executive Magistrate, Rajkot City, Rajkot, is hereby set aside. The learned Executive Magistrate, Rajkot City, Rajkot, is directed to afford full opportunity of being heard to all the concerned parties including this present Revision Petitioner for leading their respective evidence and then to dispose of Chapter Case No.39 of 1991, strictly on merits, without being influenced by the order of this Court. As the case is of 1991, the learned Executive Magistrate is directed to dispose of the said case within one month from the date of receipt of writ of this Court. The Revision-Opponent No.5, who lodged the complaint in said Chapter Case No.39 of 1991, is directed to appear before the Executive Magistrate, Rajkot City, Rajkot, immediately on service of notice which may be issued by Executive Magistrate.

3. In view of what is stated hereinabove, this Criminal Revision Application stands disposed of accordingly. Rule is made absolute to the aforesaid extent.

(H.H. Mehta, J.)

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